

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GREGORY MYRICK,

Plaintiff,

v.

SUWE, et al.,

Defendants.

Case No. 3:24-cv-00108-ART-CSD

ORDER

Plaintiff Gregory Myrick filed this civil-rights action under 42 U.S.C. § 1983. In its screening order, the Court found that Myrick stated certain colorable claims. (See ECF No. 10 at 13.) On April 21, 2025, the Court stated that this case would be eligible for participation in the Inmate Early Mediation Program if Myrick updated his address and either paid the full \$405 filing fee or filed a complete application to proceed *in forma pauperis*. (ECF No. 25.) Plaintiff has now updated his address (ECF No. 26) and paid the full filing fee. (ECF No. 28.) Accordingly, the Court returns this case to the mediation track.

It is therefore ordered that Myrick's applications to proceed *in forma pauperis* (ECF No. 24, 27) are denied as moot.

It is further ordered that, given the nature of the claims that the Court permitted to proceed in the screening order (see ECF No. 10), this action is stayed for 90 days to allow Myrick and Defendants an opportunity to settle their dispute before an answer is filed or the discovery process begins. During this 90-day stay period and until the Court lifts the stay, no other pleadings or papers may be filed in this case, and the parties may not engage in any discovery, nor are the parties required to respond to any paper filed in violation of the stay unless specifically ordered by the Court to do so. The Court will refer this case to the

1 Court's Inmate Early Mediation Program, and the Court will enter a subsequent
2 order. Regardless, on or before 90 days from the date this order is entered, the
3 Office of the Attorney General must file the report form attached to this order
4 regarding the results of the 90-day stay, even if a stipulation for dismissal is
5 entered prior to the end of the 90-day stay. If the parties proceed with this action,
6 the Court will then issue an order setting a date for Defendants to file an answer
7 or other response. Following the filing of an answer, the Court will issue a
8 scheduling order setting discovery and dispositive motion deadlines.

9 "Settlement" may or may not include payment of money damages. It also
10 may or may not include an agreement to resolve Myrick's issues differently. A
11 compromise agreement is one in which neither party is completely satisfied with
12 the result, but both have given something up and both have obtained something
13 in return.

14 It is further ordered that if any party seeks to have this case excluded from
15 the inmate mediation program, that party must file a "motion to exclude case
16 from mediation" no later than 21 days prior to the date set for mediation. The
17 responding party will have 7 days to file a response. No reply may be filed.
18 Thereafter, the Court will issue an order, set the matter for hearing, or both.

19 It is further ordered that if Myrick needs an interpreter to participate in
20 the mediation program, he will file a notice identifying the interpretation
21 language and the need for the interpreter within 30 days from the date of this
22 order.

23 The Clerk of Court is further directed to add the Nevada Department of
24 Corrections to the docket as an Interested Party and electronically provide a copy
25 of this order and copies of all items previously filed in this case by regenerating
26 the Notices of Electronic Filing on the Office of the Attorney General of the State
27 of Nevada by adding the Attorney General of the State of Nevada to the interested
28

1 party on the docket. This does not indicate acceptance of service.

2 It is further ordered that the Attorney General's Office must advise the
3 Court within 21 days of the date of the entry of this order whether it will enter a
4 limited notice of appearance on behalf of Interested Party for the purpose of
5 participation in the Early Mediation Program. No defenses or objections,
6 including lack of service, will be waived because of the filing of the limited notice
7 of appearance.

8 DATED: May 29, 2025.

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11 _____
12 ANNE R. TRAUM
13 UNITED STATES DISTRICT JUDGE
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GREGORY MYRICK,

Plaintiff,

v.

SUWE, et al.,

Defendants.

Case No. 3:24-cv-00108-ART-CSD
REPORT OF ATTORNEY GENERAL
RE: RESULTS OF 90-DAY STAY

NOTE: ONLY THE OFFICE OF THE ATTORNEY GENERAL WILL FILE THIS FORM. THE INMATE PLAINTIFF MAY NOT FILE THIS FORM.

On _____ [the date of the issuance of the screening order], the Court issued its screening order stating that it had conducted its screening pursuant to 28 U.S.C. § 1915A, and that certain specified claims in this case would proceed. The Court ordered the Office of the Attorney General of the State of Nevada to file a report 90 days after the date of the entry of the Court's screening order to indicate the status of the case at the end of the 90-day stay. By filing this form, the Office of the Attorney General hereby complies.

REPORT FORM

[Identify which of the following two situations (identified in bold type) describes the case, and follow the instructions corresponding to the proper statement.]

Situation One: Mediated Case: The case was assigned to mediation by a court-appointed mediator during the 90-day stay. [If this statement is accurate, check **ONE** of the six statements below and fill in any additional information as required, then proceed to the signature block.]

_____ A mediation session with a court-appointed mediator was held on _____ [enter date], and as of this date, the parties have reached a settlement (even if paperwork to memorialize the settlement remains to be completed). (If this box is checked, the parties are on notice that they must **SEPARATELY** file either a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in the case until a specified date upon which they will file a stipulation of dismissal.)

_____ A mediation session with a court-appointed mediator was held on _____ [enter date], and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.

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2 _____ No mediation session with a court-appointed mediator was held
3 during the 90-day stay, but the parties have nevertheless settled the
4 case. *(If this box is checked, the parties are on notice that they must*
5 *SEPARATELY file a contemporaneous stipulation of dismissal or a*
motion requesting that the Court continue the stay in this case until a
specified date upon which they will file a stipulation of dismissal.)

6 _____ No mediation session with a court-appointed mediator was held
7 during the 90-day stay, but one is currently scheduled for
8 _____ [enter date].

9 _____ No mediation session with a court-appointed mediator was held
10 during the 90-day stay, and as of this date, no date certain has been
11 scheduled for such a session.

12 _____ None of the above five statements describes the status of this case.
13 Contemporaneously with the filing of this report, the Office of the
14 Attorney General of the State of Nevada is filing a separate document
15 detailing the status of this case.

16 **Situation Two: Informal Settlement Discussions Case: The case was NOT**
17 **assigned to mediation with a court-appointed mediator during the 90-day**
18 **stay; rather, the parties were encouraged to engage in informal settlement**
19 **negotiations.** [If this statement is accurate, check **ONE** of the four statements
20 below and fill in any additional information as required, then proceed to the
21 signature block.]

22 _____ The parties engaged in settlement discussions and as of this date,
23 the parties have reached a settlement *(even if the paperwork to*
24 *memorialize the settlement remains to be completed)*. *(If this box is*
25 *checked, the parties are on notice that they must SEPARATELY file*
26 *either a contemporaneous stipulation of dismissal or a motion*
27 *requesting that the Court continue the stay in this case until a*
28 *specified date upon which they will file a stipulation of dismissal.)*

_____ The parties engaged in settlement discussions and as of this date,
the parties have not reached a settlement. The Office of the
Attorney General therefore informs the Court of its intent to proceed
with this action.

_____ The parties have not engaged in settlement discussions and as of
this date, the parties have not reached a settlement. The Office of
the Attorney General therefore informs the Court of its intent to
proceed with this action.

____ None of the above three statements fully describes the status of this case. Contemporaneously with the filing of this report, the Office of the Attorney General of the State of Nevada is filing a separate document detailing the status of this case.

Submitted this _____ day of _____, _____ by:

Attorney Name: _____

Print Signature

Address: _____ Phone: _____
 _____ Email: _____